

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8082 OF 2005

Santacruz Triveni Co-op.Hsg.
Soc.Ltd. .. Petitioners

Vs.

Parthasarathi Properties P.Ltd.
and Ors. .. Respondents

Mr.Parekh i/b M/s.S.Kothari & Co. for the
petitioners

Mr.V.D.Patil for the respondent no.1

Mr.Indrajeet V.Suryavanshi for respondent no.2 to 7

CORAM : S.U.KAMDAR, J
DATED : 29TH NOVEMBER, 2005

P.C.:

1. By consent of the parties, the following
order is passed:

2. Both the orders dt.3.9.05 and 11.11.05
being Ex.0 and Ex.Q respectively are quashed and
set aside. Matter is remanded back to the IInd
Co-operative Court at Bombay with a direction that
the learned IInd Co-operative Court at Mumbai to
frame the preliminary issue under section 9A of the
Civil Procedure Code on the application preferred

by respondent no.2 to 7 and if the said issue is raised by other opponent, the same should also be tried together as preliminary issue and determined the same in accordance with law after giving an opportunity of hearing and leading the evidence, if the parties so desire. Application to be disposed of by the trial court on or before 31.3.06. Petition disposed of accordingly. There shall be no order as to costs.